

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
HARRISBURG DIVISION**

1789 FOUNDATION INC., d/b/a CITIZEN  
AG, and ANTHONY GOLEMBIEWSKI,

*Plaintiffs,*

v.

AL SCHMIDT, in his official capacity as  
Secretary of State, and COMMONWEALTH  
OF PENNSYLVANIA,

*Defendants.*

Case No. 3:24-cv-01865

**[PROPOSED] TEMPORARY  
RESTRAINING ORDER**

Upon consideration of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction, and in light of the imminency of the impending November 5, 2024, this Court finds, and good cause having been shown, that Plaintiffs have demonstrated a need for emergency temporary injunctive relief in this case. Accordingly, and for a period of fourteen (14) days and pending a hearing concerning preliminary injunctive relief, Al Schmidt, in his official capacity as Secretary of State for the State of Pennsylvania and the Commonwealth of Pennsylvania, are hereby

**ENJOINED** from withholding records requested in Citizen AG's October 4, 2024 open records request that seek copies of or the right to inspect any record(s) that reflect the number of voters who did not respond to a confirmation notice sent via forwarded mail prior to the 2020 General Election, but thereafter voted in either the 2020 General Election or 2022 General Election, and it is further

**ORDERED** that Defendants shall produce to Plaintiffs copies of all records responsive to Plaintiff's October 4, 2024 open records request on or before November 2, 2024.

To the extent Defendants are unable to produce any records responsive to Plaintiff's October 4, 2024 open records request, Defendants are hereby

**ORDERED** to show cause, on or before November 2, 2024, as to why declaratory relief finding as a matter of law, should not be entered against Defendants for violating Section 8(i) of the National Voter Registration Act, which provides that "[e]ach State shall maintain for at least 2 years and shall make available for public inspection" and copying "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters," 52 U.S.C. § 20507(i), and it is hereby

**ORDERED** that Defendants are **ENJOINED** from counting any vote in the 2024 General Election that was or will be cast by an inactive registrant that (1) failed to respond to a confirmation notice sent via forwarded mail prior to the 2020 General Election; and thereafter, (2) did not vote in either the 2020 or 2022 federal elections, unless the inactive registrant casting the vote complies with the mandatory applicable provisions of 52 U.S.C. § 20507(e) on or before November 5, 2024.

It is **SO ORDERED**.

Dated: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES DISTRICT COURT JUDGE